



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1480
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

10/635,880

08/05/2003

Eric Justin Gould

6057-06101

1594

35690

7590

05/02/2006

MEYERTONS, HOOD, KIVLIN, KOWERT & GOETZEL, P.C.
700 LAVACA, SUITE 800
AUSTIN, TX 78701

EXAMINER

WINDER, PATRICE L

ART UNIT

PAPER NUMBER

2145

DATE MAILED: 05/02/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/635,880

Applicant(s)

GOULD, ERIC JUSTIN

Examiner

Patrice Winder

Art Unit

2145

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 February 2006.
2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 23-101 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 23-101 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 23-39, 46-53, 59-67, 72-78, 81-101 are rejected under 35 U.S.C. 103(a) as being unpatentable over Vora et al., USPN 5,819,273 (hereafter referred to as Vora).

3. Regarding claim 23, Vora taught a computer readable medium storing instructions that when executed by a personal computer connected to a network are capable of causing the personal computer to:

display a meta-folder containing a search object configured by a user (column 9, lines 38-51);

automatically initiate the resolution of the search object by searching the network and the personal computer for conventional objects that satisfy the search object (column 14, lines 54-61; column 16, lines 35-46); and

display icons representing the conventional objects, wherein the icons are displayed on a user interface of the personal computer (Figure 4A, column 9). Vora does not specifically teach opening the meta-folder. However, Vora taught the user using an open meta-folder to configure search criteria (column 9, lines 39-43). It would have been obvious to one of ordinary skill in the art at the time the invention was made

that incorporating "opening a folder" in Vora's system for meta-folder assisted searching would have been an equivalent mechanism for providing Vora's "open" meta-folder. The motivation would have been in order to see the contents of a folder you must open the folder.

4. Regarding claims 24-31, Vora taught the network includes a local area network (column 5, lines 26-29), a wide area network (column 5, lines 26-29) and/or the Internet (column 5, lines 47-53) and the network includes a collection of storage systems for storing at least some of the conventional objects (column 6, lines 37-40, 56-66).

5. Regarding claim 32, Vora taught the network includes a user server connected to the personal computer (column 14, lines 39-43).

6. Regarding claims 33 and 34, Vora taught the user server stores the meta-folder and at least some of the conventional objects (column 14, lines 39-43).

7. Regarding claims 35-39, Vora further discloses the user server is connected to the personal computer via a LAN, WAN or Internet and the user server is connected to a content server via the Internet (column 5, lines 26-29, 47-53), wherein the content server is a web-page server (column 5, lines 47-53), an FTP server or a news server (column 17, lines 48-58).

8. Regarding claim 46, Vora taught the conventional objects include conventional folders, conventional files, electronic mail, notes, contact or address book items or files containing text, audio or video information (column 6, lines 40-46).

9. Regarding claims 47-49, Vora taught the search object includes wildcard characters and the meta-folder includes indicia indicative of a search function, wherein the indicia is a magnifying glass (Figure 4A; column 9, lines 38-51).

10. Regarding claims 50 and 51, Vora taught the meta-folder includes descriptive text, wherein the descriptive text describes the search object (Figure 4A, column 9, lines 44-51).

11. Regarding claims 52 and 53, Vora taught the personal computer to display the meta-folder, the icons representing the conventional objects and other objects on a single screen or intermingling screens of the user interface (column 10, lines 26-34).

12. Regarding claims 59-67, 72-78 and 81-101, claims 59-67, 72-78 and 81-101 have similar limitations as claims 23-39 and 46-53. Therefore, the similar limitations are taught under Vora for the same reasons set forth in the rejection of claims 23-39 and 46-53 (*Supra* 23-39 and 46-53).

13. Claims 44 and 45 are rejected under 35 U.S.C. 103(a) as being unpatentable over Vora in view of Khan, USPN 6546393 B1 (hereafter referred to as Khan).

14. Regarding claims 44 and 45, Vora does not specifically teach using the personal computer to initiate transfer of the meta folder through electronic mail. However, Khan further discloses the personal computer to initiate a transfer of the meta-folder from the user to another user via the network, wherein the transfer occurs through electronic mail (column 21, line 55 - column 22, line 32). It would have been obvious to one of ordinary skill in the art at the time the invention was made that incorporating Khan's transferring meta-folders by electronic mail in Vora's system for meta-folder assisted searching

would have prompted system utility. The motivation would have been to allow file transfers of search results without employing a specific file transfer utility.

15. Claims 40-43, 54-58, 68-71, 79 and 80 are rejected under 35 U.S.C. 103(a) as being unpatentable over Vora in view of Fritsch, USPN 6,233,682 B1 (hereafter referred to as Fritsch), as applied to claims 23, 59, 74, above.

16. Regarding claims 40-43, Vora does not specifically teach the user server is connected to a vendor server, wherein the meta-folder is stored on the vendor server or the user server, wherein the vendor server includes a search engine of media products and wherein the media products include books, video tapes, DVDS, CDS and audio cassettes. However, Fritsch, in the same object searching field of endeavor, does disclose a server is connected to a vendor server via the internet, wherein a folder is stored on the vendor server, wherein the vendor server includes a search engine of media products and wherein the media products include books, video tapes, DVDS, CDs and audio cassettes (column 3, line 40 - column 4, line 46). It would have been obvious to one of ordinary skill in the art at the time the invention was made that incorporating Fritsch's vender server with multimedia products into Vora's meta-folder assisted search system would have expanded system utility. The motivation would have been to provide access to heterogeneous file types.

17. Regarding claims 54-55, Fritsch taught the conventional objects pertain to music, wherein the personal computer to initiate playing the music (column 1 , lines 10-64; column 4, lines 47-67).

18. Regarding claims 56-58, Fritsch taught the personal computer to generate icons that indicate whether the music is owned or un-owned, wherein the personal computer to initiate a purchase of the music and the personal computer to provide a link from which the user can purchase the music (column 5, line 25 - column 6, line 32).

19. Regarding claims 68-71, 79 and 80, claims 68-71, 79 and 80 have similar limitations as claims 40-43 and 54-58. Therefore, the similar limitations are disclosed under Vora-Fritsch for the same reasons set forth in the rejection of claims 40-43 and 54-58 (*supra* 40-43 and 54-58).

Response to Arguments

20. Applicant's arguments, see pages 14 and 16, filed February 9, 2006, with respect to the rejection(s) of claim(s) 23-91 under 35 USC 112, 35 USC 101 and 37 CFR 102(e) have been fully considered and are persuasive. Therefore, the rejection(s) has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of newly found prior art.

Conclusion

21. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

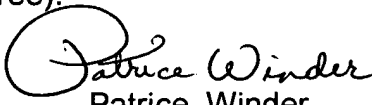
22. Trenbeath et al., USPN 6,324,587 B1: taught a subscription folder that automatically receives updates from a publication folder; and

23. Smith, USPN 6,516,329 B1: taught attaching previous searches to a page index accessible to the user to prevent repeating searches.

24. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Patrice Winder whose telephone number is 571-272-3935. The examiner can normally be reached on Monday-Friday, 10:30 am-7:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jason Cardone can be reached on 571-272-3933. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Patrice Winder
Primary Examiner
Art Unit 2145

May 1, 2006